

From: [Guerry, William M.](#)
To: [HertzWu, Sara](#)
Cc: [Bill Tyndal](#); KBradley@bigoxenergy.com; [Weekley, Erin](#); [Terriquez, Joe](#); [Hensley, Dave](#)
Subject: Re: [External]RE: Clean Air Act Section 114 Information Request - AFS ID # 31-043-00092
Date: Monday, July 23, 2018 10:00:07 AM

Sara

Thanks for your email. Can we set up a status -update call today on the BOE matter. We could be available today at 1 or 3:30 your time. Please respond with some proposed alternative times. We believe this call will improve the efficiency and effectiveness of BOE's response to the Information Request process.

Best, Bill

Sent from my iPhone

On Jul 17, 2018, at 8:51 AM, HertzWu, Sara <HertzWu.Sara@epa.gov> wrote:

Mr. Guerry: We agree that a status conference regarding the response is appropriate. I am available next week for a conference call. Regarding the extension, based on the information currently available to us, we are very concerned about the multiple digester upsets, in particular, the risks that high levels of methane and/or H2S both in and surrounding the facility could pose. Because we believe these upsets pose a risk, we do not believe an extension for certain questions is appropriate or necessary. For these reasons, EPA will not grant BOE's request for extension for responses to questions 25, 30b, and 30h.

For the remainder of the requests, we will grant an extension to July 31, 2018. Please make sure to clearly identify the documents over which you claim CBI at the time you submit the responses to the requests.

I am out of the office on work travel through tomorrow. I will be in the office on Thursday and as mentioned, generally available next week for a status conference.

Regards,

Sara Hertz Wu
Assistant Regional Counsel
EPA Region VII
11201 Renner Boulevard
Lenexa, Kansas 66219
Phone: (913)551-7316
Email: hertzwu.sara@epa.gov
Fax: (913) 551-7925

From: Guerry, William M. [<mailto:WGuerry@KelleyDrye.com>]

Sent: Tuesday, July 17, 2018 9:59 AM

To: Weekley, Erin <weekley.erin@epa.gov>; hertzWu.sarah@epa.gov

Cc: Bill Tyndall <btyndall@netleasecapital.com>; KBradley@bigoxenergy.com;

Terriquez, Joe <terriquez.joe@epa.gov>

Subject: Fwd: [External]RE: Clean Air Act Section 114 Information Request - AFS ID # 31-043-00092

Erin and Sarah

On behalf of BOE— Kevin Bradley submitted to Joe Terriquez a request on Friday —for EPA to provide BOE a two week extension to the broad and detailed EPA Information Request dated July 3rd. See the basis of Kevin's Extension Request and Joe's initial response below on which you both were cc'd.

Can you please approve BOE's extension request?

It also would be helpful to set up a status call with you at your earliest convenience to discuss BOE's Response to this information request —and all the related remedial actions that BOE continues to implement —in part as part of our ongoing constructive dialogue with NDEQ. As you know, NDEQ continues to take the lead role on implementing its State regulations and the air and storms water permits that it issued to BOE.

Best, Bill

Kevin Bradley Director of Economic Development

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2620 Development Dr. Green Bay, WI 54311

From: "Terriquez, Joe"

<terriquez.joe@epa.gov>

Date: July 13, 2018 at 4:16:58 PM CDT

To: Kevin Bradley

<KBradley@bigoxenergy.com>

Cc: "HertzWu, Sara" <HertzWu.Sara@epa.gov>,

"Weekley, Erin" <weekley.erin@epa.gov>

Subject: [External]RE: Clean Air Act Section 114 Information Request - AFS ID # 31-043-00092

Mr. Bradley,

I will forward this request to my Regional Counsel counterparts Sara Hertz-Wu and Erin Weekley for consideration. At this time may I request that you forward Sara and Erin's contact information to your counsel, so that they may discuss this matter further.

Thank You,

Joe Terriquez | Engineer | Air Compliance and Enforcement Section | U.S. EPA Region 7 | 11201 Renner Blvd | Lenexa, KS 66219 | 913-551-7105

From: Kevin Bradley
[<mailto:KBradley@bigoxenergy.com>]
Sent: Friday, July 13, 2018 4:04 PM
To: Terriquez, Joe <terriquez.joe@epa.gov>
Subject: Re: Clean Air Act Section 114 Information Request - AFS ID # 31-043-00092

Dear Mr. Terriquez

On behalf of Big Ox Energy – Siouxland LLC (BOE) I would like to request a two week extension to respond to the Clean Air Act Request for Information dated July 3 from EPA. This Request was received by me on July 11 and seeks responses within two weeks, or by July 25. We need the additional two weeks to gather the large amount of data and information requested. Also, as you know, we continue to be in the process of recovering from a digester upset and have our operational team focused on restoring the digester to normal operations.

Thank you for considering this request.

Kevin Bradley

Kevin Bradley Director of Economic Development

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